

## REMARKS

Claims 1-30 remain pending in the instant application. All claims presently stand rejected. Claims 1, 14, and 25-30 are amended herein. Entry of this amendment and reconsideration of the pending claims are respectfully requested.

### *Specification*

Applicants have amended paragraphs [0051], [0052], [0053], [0055], [0056], [0057], [0058], [0059], [0060], [0090], [0091], [0094], and [0101] of the specification to address the Examiner's concerns regarding the specification.

### *Claim Rejections – 35 U.S.C. § 101*

Claims 25-30 stand rejected under 35 USC §101 as directed to non-statutory subject matter. Accordingly, claims 25-30 have been amended to recite, “tangible machine-recordable medium...”

### *Claim Rejections – 35 U.S.C. § 102*

Claims 1-9 and 11-30 stand rejected under 35 U.S.C. § 102(e) as being anticipated by Ozugur et al. (US Pub 2003/0189933 A1).

A claim is anticipated only if each and every element of the claim is found in a single reference. M.P.E.P. § 2131 (citing *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628 (Fed. Cir. 1987)). “The identical invention must be shown in as complete detail as is contained in the claim.” M.P.E.P. § 2131 (citing *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226 (Fed. Cir. 1989)).

### Independent Claims

Amended independent claim 1 now recites, in pertinent part,

updating a segment ID field of the GMPLS-based label at each of the nodes to identify one of the plurality of lightpath segments to which each of the nodes is coupled; and

Applicants respectfully submit that Ozugur fails to disclose a GMPLS-based label that includes a segment ID field, nor does Ozugur disclose updating a segment ID field of a

GMPLS-based label at each node of an optical switch network to identify lightpath segments.

To be sure, Ozugur discloses,

The GMPLS architecture allows an upstream node to suggest a Label Set within an object referred to as Label\_Set. This object is used in Path message sent the RSVP control plane while setting up the path. Downstream nodes choose a label within the Label Set and inform the upstream node using Resv messages. Similarly, in accordance with one embodiment, when an edge OBS node receives a Label request from an ingress edge router, the edge OBS node inserts a WAVELENGTH\_SET object into the Path message to define the SWG before forwarding it to the downstream OBS node.

*Ozugur*, para. [0046]. Accordingly, this portion of *Ozugur* discloses a GMPLS architecture that uses a Label\_Set object, but does not disclose that the Label\_Set object includes a segment ID field that is updated to identify a lightpath segment of a lightpath. This portion of *Ozugur* further discloses a Wavelength\_Set object, which is illustrated in FIG. 5A. However, referring to FIG. 5A, the Wavelength\_Set object does not include a segment ID field to identify a lightpath segment. In fact, Applicants are unable to find any portion of *Ozugur* that discloses a GMPLS-based label which includes a segment ID field for identifying lightpath segments of a lightpath.

Consequently, *Ozugur* fails to disclose each and every element of claim 1, as required under M.P.E.P. § 2131. Independent claims 14 and 25 include similar novel elements as independent claim 1. Accordingly, Applicants request that the instant §102 rejections of claims 1, 14, and 25 be withdrawn.

#### Dependent Claim 7

Dependent claim 7 recites, in pertinent part, “the GMPLS-based label includes a wavelength field and **a channel spacing field to store a channel spacing value.**” By way of example, not limitation, FIG. 13 of the application illustrates a GMPLS-based label which includes a channel spacing field 1308 to store a channel spacing value.

The Examiner rejected claim 7 stating, “Although *Ozugur et al* do not explicitly disclose a channel spacing field to store a channel spacing value, *Ozugur* define a WAVELENGTH\_SET object. Since knowledge of all wavelengths is equivalent to know the channel spacing value, so is the channel spacing field.” However, claim 7

does not recite simply having “knowledge” of a channel spacing. Rather, claim 7 explicitly recites a GMPLS-based label having a specific field (i.e., a channel spacing field) to store a specific value (i.e., a channel spacing value). The WAVELENGTH\_SET object illustrated in FIG. 5A of Ozugur does not disclose a channel spacing field to store a channel spacing value. FIG. 5A illustrates that the WAVELENGTH\_SET object includes a different field to identify different wavelengths. This is clearly different. Explicitly identifying each wavelength consumes more bandwidth and space within a label. In addition, the wavelengths identified within a single label may not be evenly spaced by a single channel spacing value, but even if they were, identifying the explicit wavelengths in a plurality of fields is not the same as identifying a channel spacing within a single field.

At any rate, M.P.E.P. § 2131 requires that each and every element of a claim must be found in the prior art reference and the prior art reference must show the identical invention **in as complete detail as is contained in the claim**. This burden has not been satisfied.

*Claim Rejections – 35 U.S.C. § 103*

Claim 10 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Ozugur in view of Comellas (IEEE Network March/April 2003, page 22-27).

“To establish prima facie obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art. All words in a claim must be considered in judging the patentability of that claim against the prior art.” M.P.E.P. § 2143.03.

The dependent claims are novel and nonobvious over the prior art of record for at least the same reasons as discussed above in connection with their respective independent claims, in addition to adding further limitations of their own. Accordingly, Applicants respectfully request that the instant § 102 and §103 rejections of the dependent claims be withdrawn.

### CONCLUSION

In view of the foregoing amendments and remarks, Applicants believe the applicable rejections have been overcome and all claims remaining in the application are presently in condition for allowance. Accordingly, favorable consideration and a Notice of Allowance are earnestly solicited. The Examiner is invited to telephone the undersigned representative at (206) 292-8600 if the Examiner believes that an interview might be useful for any reason.

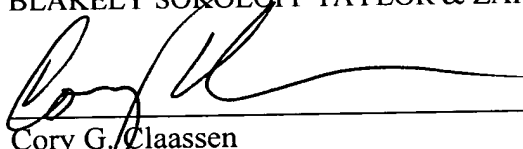
### CHARGE DEPOSIT ACCOUNT

It is not believed that extensions of time are required beyond those that may otherwise be provided for in documents accompanying this paper. However, if additional extensions of time are necessary to prevent abandonment of this application, then such extensions of time are hereby petitioned under 37 C.F.R. § 1.136(a). Any fees required therefore are hereby authorized to be charged to Deposit Account No. 02-2666. Please credit any overpayment to the same deposit account.

Respectfully submitted,

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